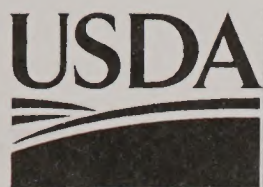


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United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Agricultural
Marketing
Service

Livestock and Seed
Program

Items of Interest in Seed Control

Summer 1999

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Seed Regulatory and Testing Branch
Room 209, Building 306, BARC-East
Beltsville, Maryland 20705-2325
Regulatory: 301-504-9430; Fax 301-504-5454
Testing: 301-504-8089; Fax 301-504-8098
<http://www.ams.usda.gov/lsg/seed/lsg-sd.htm>

ASSOCIATION OF AMERICAN SEED CONTROL OFFICIAL MEETING

The Association of American Seed Control Officials (AASCO) met in Fayetteville, AR, from July 10-15, 1999. Reports from allied organizations were given as follows: Association of Official Seed Analysts (AOSA) by Dick Lawson, Society of Commercial Seed Technologists (SCST) by Mike O'Neil, Association of Official Seed Certifying Agencies (AOSCA) by David Howle, American Seed Trade Association (ASTA) by Leslie Cahill, Canadian Food Inspection Agency by Luc Mougeot, and USDA by Richard Payne.

Lee Daughtry (MS), Wayne Guerke (GA), and Mary Smith (AR) gave reports concerning arbitration updates. Internet seed sales licensing issues and new seed technologies updates were discussed. Arnold Foundin of USDA's Animal and Plant Health Inspection Service--Plant Protection and Quarantine reported on requests for testing and approvals of genetically modified crop kinds and varieties. Tim Tryon, The Tryon Group, discussed the "Postmark™ Field Identification Systems" which is a uniform field labeling system used to identify new seed technology products. Dr. Nick Hill, University of Georgia spoke on the development of new grass varieties containing "friendly endophytes." Dr. Harry Collins, Delta & Pine Land Company, reported on their Genetic Use Restriction Technology System (popularly known as the "terminator" gene). Scott Baucum, Monsanto Company, talked about Monsanto's enforcement philosophy for varieties protected under Plant Variety Protection and patent ("intellectual property") rights. Richard Payne gave an update on the seed count labeling research and plans for future studies. State seed control officials Jim Cramer (OR), Chuck Dale (MN), Charles Leamons (TX), and Malcolm Sarna (MD) participated in a panel discussion documenting a vision for the future of seed control.

At the business meeting, AASCO amended the Recommended Uniform State Seed Law to include a defined use for tolerances. The membership agreed to follow up on past actions to (1) request Congress to adequately fund the Seed Regulatory and Testing Branch (SRTB) program and (2) include flower seed as part of Federal Seed Act (FSA) enforcement activities. Courtesy resolutions were approved thanking organizations and people who helped to make a successful meeting. Jim Warren's (NC) two-year term as president ended at the close of the meeting. AASCO officers for 2000 and 2001 were elected as follows: Dave Taylor (MT) President, Mark Ringler (IL) First Vice President, Mary Smith (AR) Second Vice President, Kathleen Willey (AZ) Secretary, and Charles Dale (MN) Treasurer.

Reports from the meetings of AASCO's four regional associations follow.

Association of Seed Control Officials of the Northeastern States

Only 4 representatives of member States of the Association of Seed Control Officials of Northeastern States (ASCONES) were able to attend the AASCO meeting held in Fayetteville. Since there was not a quorum present no business meeting was conducted.

Those members who were present discussed the SCST resolution requesting voting privileges on AOSA rules. SCST President Mike O'Neil answered questions and explained SCST's views on the issue. The members received information on the Perennial Ryegrass Association's dealer agreement on "Undesirable Grass Seed Standard Quality Testing." President Bill Clinton's Executive Order on Invasive Species was discussed.

Following the adjournment of the ASCONES meeting, the members attended the Southern Seed Control Officials Association (SSCOA) meeting. Delaware, Maryland, and Pennsylvania joined the SSCOA. Virginia is already a member of both regional organizations. These States intend to maintain membership in both regional associations. ASCONES will continue to function and will hold regional meetings when there are enough members present for a quorum at the AASCO meeting.

North Central States Seed Control Officials Association

President John Harri (IA) presided over the North Central States Seed Control Officials Association (NCSSCOA) meeting on July 12. Representatives of seed control programs for Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Wisconsin, Agriculture and Agri-Food Canada, and SRTB attended. SRTB Seed Marketing Specialist Steve Hurst gave a report on FSA regulatory actions and other Branch activities for the past 12 months. The State officials presented reports and activities for each State. NCSSCOA discussed several topics at length. Subjects of importance that were discussed included: predated seed, sampling bulk seed containers, and allowing members of the SCST to vote on AOSA rule proposals. Kent Jones (MO) was elected president of NCSSCOA and Antonio Castro-Escobar (MI) was elected vice-president.

Southern Seed Control Officials Association

President David Buckingham (KY) presided over the July 12, 1999, Southern Seed Control Officials Association (SSCOA) meeting. Representatives from 11 States (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas) and the SRTB attended. Seed Marketing Specialist Harold Laswell reported on FSA activities. Topics the members discussed included: regulation of seed at major discount retail locations, a review of State inspection fees and licenses, the proposal to amend the by-laws of AOSA to provide voting rights to SCST, how to regulate Internet sales of seed, labeling and registration requirements for bio-technology, genetically modified varieties, the States arbitration experiences, whether tubers (chufa) of nutgrass/nutsedge are considered as noxious, and concerns about the Executive Order on Invasive Species and crop kinds being listed by some organizations as invasive species.

The officials reported on conditions and new developments in each of their states. A recommendation to urge the necessary actions to incorporate flower seed (including wildflower seed) into the FSA was re-affirmed. Housekeeping amendments to the SSCOA by-laws were approved. Votes were cast to accept the states of Delaware, Maryland, and Pennsylvania as members of the SSCOA.

New officers for the years 2000 and 2001 were elected as follows: Lee Daughtry (MS) President, Wade Krivanek (OK) First Vice President, John Crayton (AL) Second Vice President, and Mary Smith (AR) Secretary-Treasurer.

Western Association of Seed Control Officials

President Jim Cramer (OR) presided as the Western Association of Seed Control Officials (WASCO) met in Fayetteville on Monday, July 12, as part of the AASCO meeting. Ten of the 14 members were represented including Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and USDA. Richard Payne represented the SRTB.

The members decided to hold a WASCO meeting in early February in the San Diego, CA area. There is a possibility that a seed inspectors workshop will be held in conjunction with the WASCO meeting if enough seed inspectors are able to attend.

The resolution from SCST to AOSA requesting AOSA to examine the possibility of the SCST voting on AOSA rule changes was discussed. Six members determined that there was no conflict with their State seed law if SCST members voted on AOSA rule proposals. Two members indicated that the SCST voting on AOSA rules would be in conflict with their State seed law and one member was not sure.

President Clinton's Executive Order on Invasive Species was discussed. Concern was expressed because there are some common agricultural species such as tall fescue, bermudagrass, ryegrass, and crownvetch on a list of species that would be prohibited for use in revegetation of Federal lands. The labeling of packets containing seed for planting in pots for the purpose of growing plants for consumption by pets was discussed. It was decided that this seed should be labeled for purity and germination. The SRTB has taken the position that the seed in question would not fit the definition of "seed for seeding purposes" as it is generally understood and therefore would not be subject to regulation under the FSA.

The regulation of seed sold over the Internet was discussed. In Oregon, a licence is required to advertise seed on the Internet. This requirement is determined by the wording "sale or offered for sale" in Oregon's seed law.

The concept of developing a regional or national label was discussed. A major concern is that the length of time for which a germination test of cool season grasses remains valid varies among the states in this region. It was pointed out that germination tests of cool season grasses remain valid for 15 months for purposes of FSA enforcement.

There was a discussion about labeling seed of the same lot when two or more test reports are available, each with different results for the same quality factor. A recommendation was made to request the AOSA and SCST develop guidelines for reporting the results for multiple tests of the same seed quality factor.

Kathleen Willey (AZ) will be the next WASCO president and Kathleen Harvey (CA) the next vice-president.

EXECUTIVE ORDER ON INVASIVE SPECIES

Because of interest expressed at the AASCO meeting, we are including this information. The Executive Order may be reviewed at the White House's web page at <http://www.whitehouse.gov/>. Click on The Virtual Library: Click on Executive Orders. Type "Invasive species" at **Words:** and press enter. It will retrieve Executive Order 13112 on Invasive Species. This may also be reached directly by typing in the following: <http://www.pub.whitehouse.gov/uri-res/l2R?urn:pdi://oma.eop.gov.us/1999/2/3/14.text.2>.

SEED ANALYST SCHOOL HELD IN MINNESOTA

The SRTB conducted a Federal Seed School in St. Paul, MN, during the week of May 17-21, 1999. SRTB botanists Susan Maxon and David Bitzel, of our Testing Section, provided instruction to 21 seed analysts during the week long course. The seed analysts came from seed laboratories of 6 State departments of agriculture (Illinois, Iowa, Michigan, Minnesota, North Dakota, South Dakota), 5 State seed certification agencies (Illinois, Minnesota, North Dakota, Ohio, Wisconsin), and 2 Minnesota commercial seed laboratories. The Minnesota Crop Improvement Association hosted the seed school, arranged for the training facilities, and prepared germination samples for the participants. Topics were selected to suit the interests of the participants involved and included purity testing, seed identification, noxious-weed seed examination, tetrazolium testing, and germination testing of species being tested by the participating laboratories. SRTB regularly provides training for seed analysts as part of our FSA function of promoting uniformity in seed testing.

AOSA ACCREDITATION EXAMINATION

The AOSA Accreditation Examination for seed analysts will be held in Harrisburg, PA on December 1 and 2, 1999. For further information and details, please contact Joe Garvey of the Pennsylvania Department of Agriculture at 717-787-5609.

TRUENESS-TO-VARIETY REMINDER

State seed officials who wish to participate, should submit samples for our fall trueness-to-variety (TTV) trials of winter small grains at Tifton, Georgia, and Manhattan, Kansas, and lettuce and radish trials at Gainesville, Florida. Cut-off dates are October 1 for the small grain samples and August 15 for the lettuce and radish samples. We have already received many lettuce and radish samples. Minimum sample sizes are 50 grams for the Georgia small grains grow-outs, 30 grams for the Kansas small grains grow-outs, 2 grams for radish grow-outs, and 0.5 grams for the lettuce grow-outs.

An automated seed sample log-in procedure is being developed in our laboratory. Time permitting you should send a list of the samples you are submitting in a tabular format (Word, Word Perfect, Accell, Excel, plain text, etc.) and include the kind, variety, State laboratory number, and lot number for each sample. E-mail lists to Al Burgoon at Al.Burgoon@usda.gov. You may also fax or mail your list. (The lists can be scanned into our computer.) As always, you may still send the samples with information on the bags (no list required).

Thank you for your help in making the TTV program a success.

AMS HAS A NEW ADMINISTRATOR

On June 25, 1999, **Agriculture Secretary Dan Glickman** announced **Kathleen A. Merrigan** as Administrator of the Agricultural Marketing Service (AMS). Secretary Glickman said of Ms. Merrigan, "Her work in sustainable agriculture is known and respected worldwide. She brings with her an invaluable history of working successfully on cutting edge agricultural issues with federal and state agencies, as well as with industry and academic groups."

Ms. Merrigan has a Masters of Public Affairs degree from the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin where she was a Fulbright Grant recipient. Prior to her appointment as Administrator, she was a senior analyst, since 1994, for the Henry A. Wallace Institute for Alternative Agriculture, a nonprofit organization providing research and education in sustainable agriculture. From 1987 to 1992, she was a senior staff member for the United States Senate Committee on Agriculture. She owned her own consulting firm from 1992 to 1994. Her experience includes work with the Food and Agriculture Organization of the United Nations and with the Politechnika University in Krakow, Poland. Her educational background includes a Bachelor of Arts in English and political science from Williams College.

Ms. Merrigan replaces **Dr. Enrique Figueroa** who becomes USDA Deputy Under Secretary for Marketing and Regulatory Programs.

JERRY GOODALL

Rober Osburn, New Mexico seed control official, said that his Uncle Jerry Goodall passed away on July 5, 1999. In the early 1980's, oversight of the Seed Regulatory and Testing Branch was part of Mr. Goodall's duties as a Deputy Director of the Livestock and Seed Division (now Program) and later as Deputy Director of the Warehouse and Seed Division. State seed control officials may recall he attended an AASCO meeting during this time. Our direct working relationship ended due to a realignment of agency activities in 1984, when Jerry transferred with Warehouse activities to the Agricultural Stabilization and Conservation Service while our Branch remained with the Agricultural Marketing Service. Mr. Goodall retired from USDA in 1994. We appreciate the good working relationship we had with him while he was our Deputy Director and extend our condolences to his family and friends.

THANKS FOR THE ASSISTANCE

In the April/May/June 1999 edition of Georgia Crop Improvement News, the Georgia Crop Improvement Association included an article about how to reach the SRTB's web page and listed the information that can be found there. Their assistance in helping to disseminate the information is appreciated.

One of our primary goals is customer service. The more people we reach, the better we can accomplish that goal. If any other organization wants to include our web page information in their newsletter, please feel free to do so. Our Internet address is <http://www.ams.usda.gov/lsg/seed/lsg-sd.htm>.

FEDERAL SEED ACT CASES SETTLED

The following cases were settled administratively under the FSA between April 1 and June 30, 1999. Under the administrative settlement procedure, the SRTB and the firms agreed to settle the cases for the amount specified with the firms neither admitting nor denying the charges:

- Eckroat Seed Company, Vernon, TX, has paid \$2,750 for a case involving eight seed shipments. The alleged violations, while not the same for all shipments, were false labeling of germination percentage, purity, and being a "lot of seed"; failure to show required information for a seed component; and failure to keep required records. Seed regulatory officials in Georgia and Virginia cooperated in the initial sampling and inspection.
- Jonathan Green, Inc., Farmingdale, NJ, has paid \$2,275 for a case involving four seed shipments. The alleged violations, while not the same for all shipments, were false labeling of pure seed and weed seed percentages, variety name, and test date; failure to label the presence of noxious-weed seeds and to show required information for a seed component; and shipping seed containing noxious-weed seed in excess of a State's limit. Seed regulatory officials in Maryland and Pennsylvania cooperated in the initial sampling and inspection.
- Olsen-Fennell Seeds, Inc., Salem, OR, has paid \$2,200 for a case involving three seed shipments. The alleged violations, while not the same for all shipments, were false labeling as to noxious-weed seed; failure to label the presence of noxious-weed seed; and shipping seed containing noxious-weed seed in excess of State's limits. Seed regulatory officials in Maryland and Oklahoma cooperated in the initial sampling and inspection.

DO YOU NEED TO CONTACT US?

This is the list of the most current telephone numbers and E-mail addresses for our staff.

Name	Telephone	E-mail
Dr. Richard C. Payne	301-504-9430 & 301-504-8089	richard.payne2@usda.gov
Jeri Irwin	301-504-9430	jeri.irwin@usda.gov
Don Dreyer	301-504-9188	louis.dreyer@usda.gov
Jonathan Farmer	301-504-8183	jonathan.farmer@usda.gov
Steve Hurst	301-504-9356	steve.hurst@usda.gov
Harold Laswell	301-504-8426	harold.laswell@usda.gov
Susan Haney	301-504-8089	susan.haney@usda.gov
Leigh Wiltison	301-504-8344 & 301-504-9189	leigh.wiltison@usda.gov

Name	Telephone	E-mail
David Bitzel	301-504-8177	david.bitzel@usda.gov
Susan Maxon	301-504-9099	susan.maxon@usda.gov
Al Burgoon	301-504-8138	al.burgoon@usda.gov
Linda Vanderhoof	301-504-8490	linda.vanderhoof@usda.gov

RYEGRASS FLUORESCENCE LIST

This list is provided by the National Grass Variety Review Board (NGVRB). There have been no changes since our last issue.

Perennial Ryegrass Variety Name	Percent Varietal Fluorescence	Perennial Ryegrass Variety Name	Percent Varietal Fluorescence	Perennial Ryegrass Variety Name	Percent Varietal Fluorescence
246	0.27%	Imagine	1.31%	Stallion Supreme	1.16%
2CB	1.97%	ISI-MBH ¹	1.27%	Stardance	1.90%
856	0.87%	ISI-RUPR (Gator II) ¹	2.50%	Statesman	1.27%
89-90	2.15%	Laredo	0.53%	Statesman II	8.42%
90-14 ¹	7.12%	Legacy	0.37%	Target	3.28%
A7 White ¹	2.19%	Lindsay	1.72%	Tonga	11.53%
Academy	2.33%	Line Drive	2.72%	Top Hat	0.77%
Accent	0.56%	Linn	5.00%	Topeka	2.34%
Accolade	4.83%	Lowgrow ³	1.31%	Tove	17.48%
Accord	4.08%	Lowgrow II	1.35%	Twister	3.85%
Achiever	0.93%	LRF-94-C8 ¹	0.64%	Vantage	2.19%
Advent	0.14%	Lynx	4.19%	Vivid	1.24%
Affinity	0.77%	Magic	1.21%	Wild Dance	1.17%
Agresso	2.00%	Majesty	1.59%	Wind Star	0.47%
All*Star	0.47%	Manhattan II ³	0.65%	Wizard ³	2.57%
Allaire II	1.15%	Manhattan	0.88%	WVPB-93-KFK ¹	3.84%
APM	0.59%	Mardi Gras	1.07%	WVPB-PR-92-4 ¹	5.48%
Aquarius	0.97%	Morningstar	0.87%	WVPB-PR-C-2, C-2 ¹	8.65%
Archer	1.51%	Mulligan	1.86%	Yorktown III	1.42%
Ascend	3.09%	Navajo ³	0.37%		
Assure	0.72%	Newlinn	5.85%	Annual	Percent
Bedford	1.40%	NightHawk	1.39%	Ryegrass	Varietal
Bella	0.65%	Nobility	7.53%	Variety Name	Fluorescence
Blackhawk	1.17%	Nomad	1.03%	Florida 80	98.89%
Blazer III	1.18%	Nova	1.00%	Grazer	99.78%
Boardwalk	2.72%	Omega 3	0.73%	Gulf	99.02%
Breeze	1.57%	Omni	0.51%	Jackson	98.80%
Brightstar	1.79%	Pageant	2.22%	Magnolia ²	---
Brightstar II	2.24%	Palmer	1.04%	Marshall	96.00%
Buccaneer	7.44%	Palmer II	1.51%	Rio ¹	98.97%
C-21	6.28%	Palmer III	0.23%	Surrey	98.91%
Caliente	0.74%	Panther	1.18%	TAM 90	98.45%
Calypso	1.29%	Passport ³	1.06%		
Calypso II	0.47%	Patriot II	0.42%	¹ Experimental Designation and/or	
Catalina	3.18%	Pearl	1.86%	Variety	
Cathedral	0.85%	Pegasus	2.41%		
Chaparral	1.62%	Pennant	0.50%	² Exempt from varietal fluorescence	
Charger II	0.54%	Pennant II	1.63%	testing calculations.	
Charisma	2.39%	PICK Lp Q-93 ¹	6.44%		
Chatham ¹	2.11%	Pick PR 15-91 (Jiffie) ¹	6.06%	³ The NGVRB is now listing OECD	
Citation III	0.96%	Pleasure	4.09%	synonym names. These names are not	
Commander	1.02%	PR8820	0.79%	acceptable for sale in the United States	
Cutter	1.65%	Prelude	1.72%	and are included for informational	
Dancer	0.78%	Prelude II	2.25%	purposes. The variety and its OECD	
Dandy	2.00%	Prelude III	0.59%	synonym shown in italics are: Excel--	
Delaware Dwarf	2.60%	Prizm	0.71%	<i>Romadera</i> , <i>Fiesta II--Pickwick</i> ,	
Derby Supreme	2.85%	Protocol	4.30%	<i>Lowgrow--Lex86</i> , <i>Manhattan II--</i>	
Dillon	4.14%	Quickstart	0.18%	<i>Numan</i> , <i>Navajo--Comanche</i> , <i>Passport--</i>	
Divine	3.09%	R2	1.25%	<i>Romeo</i> , <i>Repel II--Verdi</i> , <i>Seville--</i>	
DS95-201 ¹	1.12%	Regency	0.99%	<i>Leonardo</i> , <i>SR4100--Athena</i> , and	
Edge	1.73%	Repell	0.33%	<i>Wizard--Sardinero</i> .	
Elegance	1.51%	Repell II ³	1.56%		
Elf	0.75%	Repell III	0.80%		
Elite	4.84%	Reveille	2.00%		
Envy	0.22%	Riviera	0.58%		
Equal	1.98%	Riviera II	1.08%		
Evening Shade	1.17%	Roadrunner	2.53%		
Excel ³	1.53%	Rodeo II	2.47%		
Express	4.00%	Saturn II	0.85%		
Fiesta II ³	1.14%	Seville ³	0.33%		
Gator	0.88%	Sherwood	1.08%		
Gettysburg	2.74%	Shining Star	0.10%		
Goalkeeper	0.82%	Sonata	1.20%		
Greenland	1.20%	SR 4100 ³	0.37%		
Grimalda	2.00%	SR 4200	0.34%		
Headstart	2.09%	Stallion Select	2.37%		

**Additions and Deletions
Of
Plant Variety Protection
Certificates**

PLANT VARIETY PROTECTION CERTIFICATES
(Issued May 1, 1999, through July 23, 1999)

KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA	KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA
ALFALFA 5939	Pioneer Hi-Bred International, Inc.		Y	Derry	Agricultural Research Service USDA	Y (3)	Y
DK141	DEKALB Genetics Corporation		Y	Donegal	Agricultural Research Service USDA	Y (3)	Y
DK143	DEKALB Genetics Corporation		Y	Terral TV5666RR Tyrone	Terral Seed, Inc. Agricultural Research Service USDA	Y (3)	Y
Superba	Pioneer Hi-Bred International, Inc.		Y	SUDANGRASS WKM IV	Walter K. Moss		Y
BEAN, GARDEN Minuette	Harris Moran Seed Company		Y	WHEAT, COMMON Coker 9663	Novartis Seeds, Inc.	Y (3)	Y
CLOVER, CAUCASIAN Endura	Wrightson Seeds Limited	Y (*)		Jaypee NuWest	Dr. Robert Bacon Research and Development Institute, Inc.	Y (*) Y (3)	Y
CORN, SWEET (F1) #781 Ultra PEPPER	Abbott & Cobb, Inc.		Y	Oxen	South Dakota Agricultural Experiment Station	Y (3)	Y
Autopick	Drs. Fred C. and Nancy A. Elliott		Y				
DMC 58-214	Del Monte Corporation		Y				
RYEGRASS, PERENNIAL Palmer II	Lofts Seed Company, Inc.		Y				
Quickstart	Pure-Seed Testing, Inc.		Y				
SORGHUM PH387LM	Pioneer Hi-Bred International, Inc.		Y				
PHA118	Pioneer Hi-Bred International, Inc.		Y				
PHA151	Pioneer Hi-Bred International, Inc.		Y				
PHA391	Pioneer Hi-Bred International, Inc.		Y				
PHA651	Pioneer Hi-Bred International, Inc.		Y				
PHB118	Pioneer Hi-Bred International, Inc.		Y				
PHB1CGQF	Pioneer Hi-Bred International, Inc.		Y				
PHBCWNL	Pioneer Hi-Bred International, Inc.		Y				
SOYBEAN							

(*) No limit to the number of generations of certified seed beyond breeders seed.

PLANT VARIETY PROTECTION CERTIFICATES
(Expired May 1, 1999, through July 23, 1999)

KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA	KIND VARIETY	APPLICANT	TITLE V (GEN.)	1994 PVPA
ALFALFA							
Voris A77	Agripro Seeds, Inc.						
COSMOS							
Sunny Gold	John Bodger and Sons Company						
COTTON							
Dunn 224	Dunn Seed Farms, Inc.						
Paymaster 145	Delta and Pine Land Company						
FESCUE, TALL							
Rebel	Lofts Seed Company, Inc.						
RYEGRASS, PERENNIAL							
Barry	Barenbrug Holland B.V.	Y	(3)				
SOYBEAN							
2981	Pioneer Hi-Bred International, Inc.						
L4404	Land O'Lakes, Inc.						
Vickery	Iowa Agriculture and Home Economics Experiment Station	Y	(3)				

(*) No limit to the number of generations of certified seed beyond breeders seed.

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